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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

13 **ANN KRISTINE ALMQUIST,**
14 **aka ANN KRISTINE VAUGHT**
15 **41785 Chaparral Drive**
Temecula, CA 92592

16 **Registered Nurse License No. 507364**

17 Respondent.

Case No. 2010-75

A C C U S A T I O N

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about December 23, 1994, the Board of Registered Nursing issued Registered
25 Nurse License Number 507364 to Ann Kristine Almquist, aka Ann Kristine Vaught
26 (Respondent). The Registered Nurse License expired on May 31, 2008, and has not been
27 renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code ("Code") unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code provides, in pertinent part, that
6 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
7 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
8 Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code
12 provides that the Board may renew an expired license at any time within eight years after the
13 expiration.

14 **STATUTES**

15 6. Section 2761 of the Code states:

16 "The board may take disciplinary action against a certified or licensed nurse or deny an
17 application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

19 "....

20 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
21 functions, and duties of a registered nurse, in which event the record of the conviction shall be
22 conclusive evidence thereof.

23 "...."

24 7. Section 2762 of the Code states:

25 "In addition to other acts constituting unprofessional conduct within the meaning of this
26 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
27 chapter to do any of the following:

28 "....

1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 ". . . ."

7 8. Section 490 of the Code states in pertinent part:

8 "A board may suspend or revoke a license on the ground that the licensee has been
9 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
10 of the business or profession for which the license was issued. A conviction within the meaning
11 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
12 contendere. Any action which a board is permitted to take following the establishment of a
13 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
14 been affirmed on appeal, or when an order granting probation is made suspending the imposition
15 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
16 Code."

17 9. Section 493 of the Code states:

18 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
19 the department pursuant to law to deny an application for a license or to suspend or revoke a
20 license or otherwise take disciplinary action against a person who holds a license, upon the
21 ground that the applicant or the licensee has been convicted of a crime substantially related to the
22 qualifications, functions, and duties of the licensee in question, the record of conviction of the
23 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
24 and the board may inquire into the circumstances surrounding the commission of the crime in
25 order to fix the degree of discipline or to determine if the conviction is substantially related to the
26 qualifications, functions, and duties of the licensee in question."

27 ". . . ."

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1 stayed with her until Respondent's companion exited the restaurant. After the employee went
2 back into the restaurant, Respondent attempted to drive herself home.

3 b. Respondent drove her car through a red traffic signal and smashed into K.B.'s car
4 thereby causing severe bodily injury to K.B. including, pelvis bone broken in three places, broken
5 right and left ankles, broken femur, and broken tibia/fibula. Respondent and K.B. were
6 transported to the local hospital by paramedics.

7 c. As a Riverside County Sheriff deputy questioned Respondent at the hospital about
8 the car collision, he could smell the strong odor of alcohol on Respondent's breath. Respondent
9 stated at the time that she had no memory of the car crash or the events earlier in the day.

10 d. A blood/alcohol analysis of Respondent's blood sample, that was drawn
11 approximately one hour after the collision, revealed that Respondent's blood/alcohol ratio
12 was 0.20 percent.

13 17. On or about June 9, 2008, in the matter of *The People of the State of California v.*
14 *Anne Kristine Almquist*, in Riverside County Superior Court, case number SWF018828, the court
15 sentenced Respondent to sixty (60) months of formal probation under twenty five different terms
16 and conditions including, but not limited to, the following: 270 days in county jail; restitution;
17 abstain from alcohol; attend alcoholic anonymous or equivalent; complete First Offender DUI
18 Program; submit to immediate search, submit to bodily fluid tests; install an Ignition Interlock
19 Device in each vehicle; complete rehabilitation as recommended; pay costs, and pay fines.

20
21 **SECOND CAUSE FOR DISCIPLINE**
(Dangerous Use of Alcohol)

22 18. Respondent's license is subject to disciplinary action under Code section 2761 (a) for
23 unprofessional conduct as defined in Code section 2762 (b) in that Respondent used alcohol to an
24 extent or in a manner dangerous or injurious to herself, any other person, or the public, as
25 described above in paragraphs 14 through 17 which are incorporated herein by reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 507364, issued to Ann Kristine Almquist, aka Ann Kristine Vaught Ann Kristine Almquist.

2. Ordering Ann Kristine Almquist to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 8/11/09

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant